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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,610	08/13/2001	Ronald E. Sloan	60021-375802	9691

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OPPENHEIMER WOLFF & DONNELLY, LLP  
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MINNEAPOLIS, MN 55402-1609

EXAMINER
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GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
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3693

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/929,610	<b>Applicant(s)</b> SLOAN ET AL.	
	<b>Examiner</b> JOCELYN GREIMEL	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-15, 18-24 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-15, 18-24, and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/2/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 May 2008 has been entered.

#### ***Information Disclosure Statement***

The Information Disclosure Statement filed 02 May 2008 has been considered.

The information Disclosure Statements filed in applications 09/705288, 09/580273 and 09/431668 will be considered when filed in accordance with 609.02 Information Disclosure Statements in Continued Examinations or Continuing Applications, Continuation Applications, Divisional Applications, or Continuation-In-Part Applications Filed Under 37 CFR 1.53(b)

In order to ensure consideration of information *previously submitted, but not considered*, in a parent application, applicant must resubmit the information in the continuing application in compliance with **37 CFR 1.97** and **37 CFR 1.98**. Pursuant to **37 CFR 1.98(d)**, if the IDS submitted in the parent application

complies with **37 CFR 1.98(a)** to (c), copies of the patents, publications, pending U.S. applications, or other information submitted in the parent application need not be resubmitted in the continuing application.

### ***Status of Claims***

Claims 1-5, 8-15, 18-24, and 27-29 are currently pending. Claims 1, 2, 11, 12, 20, and 21 are currently amended. Claims 6, 7, 16, 17, 25 and 26 have been canceled. Claims 1, 11 and 20 are independent claims.

### ***Response to Arguments***

Applicant's arguments filed 25 March 2008 have been fully considered but they are not persuasive.

Applicants argue that the references, Atkins, Sullivan, and Leemhuis, alone or in combination, fail to teach or suggest each and every limitation of the newly amended claims. The Examiner respectfully disagrees, as the references do teach: (1) user-provided information "relating to" user income and expenses (2) external market data "including at least one of" interest rates and inflation rates, (3) projections driven from "specific market data"/ a combination of user data and market data (4) investment coaching and financial coaching over the wide area network via an *automated coaching*

*interface and customized, independent, live advisor counseling* as detailed in the rejection below. The Examiner is entitled to give the claim limitations their broadest reasonable interpretation in light of the Specification (see below):

Claim Interpretation; Broadest Reasonable Interpretation:

<CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be “given the broadest reasonable interpretation consistent with the specification.” Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541, 550-51 (CCPA 1969).>

In reference to points 1-4 above; the cited references do teach:

(1) user-provided information “relating to” user income and expenses (Atkins col. 28+);

(2) external market data “including at least one of” interest rates and inflation rates (Atkins at least table 5);

(3) projections driven from “specific market data”/ a combination of user data and market data (data as described in points 1-2 above and Atkins col. 16);

(4) investment coaching and financial coaching over the wide area network via an automated coaching interface and customized, independent, live advisor counseling (please see Response to Arguments in Final Action dated 04 January 2008, pages 2-3).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-5, 8-15, 18-24 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkins (US Patent No. 5,875,437) in view of Sullivan et al (US Patent No. 6,615,240B1, hereinafter Sullivan) and further in view of Leemhuis (US Patent No. 6,470,325).** In reference to claims 1, 11 and 20, Atkins discloses a ***method, system and computer program*** for developing a financial plan comprising:

- a. projecting expected yearly income for a period of time; projecting expected yearly expenses for said period of time based on user-provided data and external market data; and providing at least one of the investment advice for any surplus

of income over expenses and financing advice for any deficit of income over expenses (abstract; at least: col. 7, line 19 – col. 11, line 64; col. 16; col. 29).

2. In reference to claims 2, 12 and 21, Atkins discloses the method wherein the user income and expense history resident on external databases can be accessed by the model (abstract; at least: col. 7, line 19 – col. 11, line 64).

3. In reference to claims 3, 13 and 22, Atkins discloses the method wherein the user can introduce risk events into the model and perform a risk analysis based on the combination of the risk events, the expected yearly income, and the expected yearly expenses (abstract; at least: col. 7, line 19 – col. 11, line 64; col. 16+ (“This model takes account of risk/return preferences, and personal and general economic and financial conditions.”)).

4. In reference to claims 4, 14 and 23, Atkins discloses the method wherein the risk event includes at least one of: job loss, disability, casualty, market downturn, theft, fire or collision (abstract; at least: col. 7, line 19 – col. 11, line 64).

5. In reference to claims 5, 15 and 24, Atkins discloses the method wherein the model predicts and highlights potential cash surplus and cash flow shortage for the use (abstract; at least: col. 7, line 19 – col. 11, line 64).

6. In reference to claims 8-10, 18-19 and 27-29, Atkins discloses the method wherein the financial model displays the aggregate cash flow in the form of a timeline over a defined period of time; wherein each annual point of said timeline can be interactively dragged up and down on its vertical axis; and the financial model recalculates the aggregated cash flow based on the new positions of said annual points (abstract; at least: col. 7, line 19 – col. 11, line 64; col. 17; *for aggregated cash flow, please see especially col. 11, lines 28+ assets and their calculation and col. 13, line 17+, the individual account subsystem is the central operating account through which all transfer, exchange, savings, investment, and borrowing transactions are implemented, coordinated, controlled, analyzed and reported to the individual*).

7. In reference to the above claims (claims 1, 11, 20 and their dependent claims), Atkins discloses providing over the wide area network, accessible customized automated coaching directly to a user (abstract, at least: col. 7, line 19 – col. 11, line 64) but does not disclose:

b. independent, customized counseling by a live advisor.

However, Sullivan discloses independent, customized counseling by a live advisor in addition to automated coaching directly to a user (abstract; at least col. 2, line 11 – col. 3, line 67). In fact, the automated coaching and the live counseling are both dynamic, customized counseling services provided by the web-page. The automated session has “customizable points” during the navigation of the session. The live counseling sessions are customized to the client because the counseling session takes into



account and customizes the session based on the actions and resources the client has already utilized when conducting the live help. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the automated coaching of Atkins to include the live advisor function of Sullivan because it would (1) increase the efficiency of the system for the user, (2) user satisfaction would increase and (3) the advisor system would benefit from increase efficiency.

8. In reference to the above claims (claims 1, 11, 20 and their dependent claims), the system of Atkins and Sullivan discloses a method, system and apparatus for the financial planning method and system as detailed above including the financial projecting and the automated and live advising utilizing external market data. The Atkins and Sullivan system does not disclose:

c. Providing over the wide area network, access to the customized coaching and counseling, via a user-selected service level agreement selected from a plurality of available unique service level agreements, wherein each of the available, unique service level agreements includes a unique combination of amounts of accessible customized counseling by the live advisor, the customized automated counseling and the external market data.

However, Leemhuis discloses a method, system and apparatus for financial planning that:

- Providing over the wide area network, access to the customized coaching and counseling, via a user-selected service level agreement selected from a plurality

Art Unit: 3693

of available unique service level agreements, wherein each of the available, unique service level agreements includes a unique combination of amounts of accessible customized counseling by the live advisor, customized automated counseling and external data. (col. 2, line 35+).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the Atkins and Sullivan financial system with the service level agreement selection process of Leemhuis because the agreement would allow the customer to design the service level to their specifications.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel  
Examiner, Art Unit 3693  
August 3, 2008

/Stefanos Karmis/  
Primary Examiner, Art Unit 3693